

REMARKS

The foregoing amendments and these remarks are responsive to the Office Action of December 22, 2008. Favorable reconsideration and allowance of the present application is respectfully requested in view of the foregoing amendments and these remarks.

Claims 1-16 and 55-57 are pending. Claims 17-54 and 58-63 have been withdrawn.

The Office Action rejects Claims 1-16 and 55-57 under 35 U.S.C. § 101 as non-statutory subject matter. Claim 1 has been amended to recite a database and a point-of-sale computer as the particular machine on which steps of the method are performed. Applicants respectfully request that the Examiner withdraw his rejection under 35 U.S.C. § 101.

The Office Action rejects Claims 1, 2 and 7-16 under 35 U.S.C. § 102(e) as being unpatentable over US Patent No. 7,330,828 to Schoder. The Office Action also rejects Claims 3-6 under 35 U.S.C. § 103(a) as being unpatentable over Schoder in view of the Examiner's Official Notice.

Applicants do not concede to the propriety of any of the rejections, and reserve all rights for all claims. Nonetheless, Claim 1 has been amended in order to expedite prosecution.

Amended claim 1 recites, with emphasis added:

A computer implemented method of providing to a customer customized media at a physical point of sale (PPOS) at a time of a sales transaction for a good/service, comprising the steps of:

storing a plurality of customer media profiles in a computer database, each of the customer media profiles comprising a customer identifier and a media content type identifier associated with the customer identifier, the media content type identifier identifying a type of information;

receiving a customer identifier from a customer at a point of sale computer located proximate to the PPOS, the point-of-sale computer being in electronic communication with the database;

retrieving from the database a media profile that is associated with the customer identifier received from the customer by the point-of-sale computer;

generating an item of current information, the content of the generated item of current information being determined by the time of the sales transaction for the good/service and the type of information identified in the retrieved media profile; and

communicating the generated item of current information to the customer at the PPOS proximate to the time of the sales transaction.

Schoder clearly fails to teach or suggest the computer-implemented method of amended Claim 1.

Rather, Schroder is directed to producing a customer individualized print product, e.g., a newspaper. While the individualized print product of Schoder is based on a customer profile, Schoder does not teach or suggest generating an item of information at a PPOS in connection with a sales transaction that is based on the time of the sales transaction.

In view of the foregoing, it is respectfully submitted that independent claim 1 of the present application is allowable, even though the foregoing may not present all of the reasons for allowability. The dependent claims are allowable because of their respective dependence from an allowable independent claim, and because the dependent claims further patentably distinguish.

It is respectfully submitted that the present application is in condition for immediate allowance, and such action is solicited. If for some reason the Examiner deems that the present application is not in condition for immediate allowance, it is respectfully requested that the Examiner telephone the undersigned at 336-721-3730, in an effort to expedite prosecution.

The Commissioner is hereby authorized to charge any additional fees that may be required for the timely consideration of this Amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment, to Deposit Account No. 09-0528.

Respectfully submitted

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Date

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